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Mississippi. Constitution.

THE

CONSTITUTION

OF THE

STATE OF MISSISSIPPI,

AS REVISED IN CONVENTION,

ON THE TWENTY-SIXTH DAY OF OCTOBER, A. D. 1832.

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CONSTITUTION

OF THE

STATE OF MISSISSIPPI.

ARTICLE I.

Declaration of Rights.

THAT the general, great and essential principles of liberty and free government may be recognised and established, we declare:—

SEC. 1. That all freemen, when they form a social compact, are equal in rights; and that no man, or set of men, are entitled to exclusive, separate public emoluments or privileges from the community, but in consideration of public services.

SEC. 2. That all political power is inherent in the people, and all free governments are founded on their authority and established for their benefit; and, therefore, they have at all times an unalienable and indefeasible right to alter or abolish their form of government, in such manner as they may think expedient.

SEC. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State: *Provided*, that the right hereby declared and established shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

SEC. 4. No preference shall ever be given by law to any religious sect, or mode of worship.

SEC. 5. That no person shall be molested for his opinions on any subject whatever, nor suffer any civil or political incapacity, or acquire any civil or political advantage, in consequence of such opinions, except in cases provided for in this Constitution.

SEC. 6. Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for the abuse of that liberty.

SEC. 7. No law shall ever be passed to curtail or restrain the liberty of speech, or of the press.

SEC. 8. In all prosecutions or indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the facts.

SEC. 9. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. That in all criminal prosecutions the accused hath a right to be heard, by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and in all prosecutions by indictment or information, a speedy public trial by an impartial jury of the county where the offence was committed: that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, but by due course of law.

SEC. 11. No person shall be accused, arrested or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but in virtue of a law established and promulgated prior to the offence, and legally applied.

SEC. 12. That no person shall, for any indictable offence, be proceeded against criminally by information; except in cases arising in the land or naval forces, or in the militia when in actual service, or by leave of the Court, for misdemeanor in office.

SEC. 13. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use without the consent of the Legislature, and without just compensation being first made therefor.

SEC. 14. That all courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of

law, and right and justice administered without sale, denial or delay.

SEC. 15. That no power of suspending laws shall be exercised, except by the Legislature, or its authority.

SEC. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 17. That all prisoners shall, before conviction, be bailable by sufficient securities, except for capital offences, where the proof is evident, or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it.

SEC. 18. That the person of a debtor, when there is not strong presumption of fraud, shall not be detained in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

SEC. 19. No conviction for any offence shall work corruption of blood or forfeiture of estate. The Legislature shall pass no bill of attainder, *ex post facto* law, nor law impairing the obligation of contracts.

SEC. 20. No property qualification for eligibility to office, or for the right of suffrage, shall ever be required by law in this State.

SEC. 21. That the estates of suicides shall descend or vest as in cases of natural death: and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 22. That the citizens have a right in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address or remonstrance.

SEC. 23. Every citizen has a right to bear arms in defence of himself and of the State.

SEC. 24. No standing army shall be kept up without the consent of the Legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 25. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; or in time of war, but in manner to be prescribed by law.

SEC. 26. That no hereditary emoluments, privileges or honours shall ever be granted or conferred in this State.

SEC. 27. Emigration from this State shall not be prohibited, nor shall any free white citizen of this State ever be exiled under any pretence whatever.

SEC. 28. The right of trial by jury shall remain inviolate.

SEC. 29. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself before any tribunal in this State, by him or herself, or counsel, or both.

SEC. 30. No person shall ever be appointed or elected to any office in this State for life or during good behaviour; but the tenure of all offices shall be for some limited period of time, if the person appointed or elected thereto shall so long behave well.

CONCLUSION.

To guard against transgressions of the high powers herein delegated, WE DECLARE, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

Distribution of Powers.

SEC. 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate body of magistracy, to wit: those which are Legislative to one, those which are Judicial to another, and those which are Executive to another.

SEC. 2. No person, or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

Legislative Department.

SEC. 1. Every free white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State

one year next preceding an election, and the last four months within the county, city or town in which he offers to vote, shall be deemed a qualified elector. And any such qualified elector who may happen to be in any county, city or town other than that of his residence at the time of an election, or who shall have removed to any county, city or town within four months preceding the election, from any county, city or town, in which he would have been a qualified elector had he not so removed, may vote for any State or District officer or member of Congress, for whom he could have voted in the county of his residence, or the county, city or town, from which he may have so removed.

SEC. 2. Electors shall, in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest, during their attendance on elections, and going to and returning from the same.

SEC. 3. The first election shall be by ballot, and all future elections, by the people, shall be regulated by law.

SEC. 4. The legislative power of this State shall be vested in two distinct branches: the one to be styled "the Senate," the other "the House of Representatives;" and both together "The Legislature of the State of Mississippi." And the style of their laws shall be, "*Be it enacted by the Legislature of the State of Mississippi.*"

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years, from the day of the commencement of the general election, and no longer.

SEC. 6. The representatives shall be chosen every two years, on the first Monday and day following in November.

SEC. 7. No person shall be a representative unless he be a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the county, city or town for which he shall be chosen; and shall have attained the age of twenty-one years.

SEC. 8. Elections for representatives for the several counties, shall be held at the places of holding their respective courts, or in the several election districts into which the county may be divided. *Provided*, That when it shall appear to the Legislature, that any city or town hath a number of free white inhabitants equal to the

ratio then fixed, such city or town shall have a separate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants equal to the existing ratio, and thereafter and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town entitled to a separate representation is situated, shall not be held in such city or town. *And provided*, That if the residuum or fraction of any city or town, entitled to separate representation shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law, for one representative; then the aforesaid county, city or town, having the largest residuum, shall be entitled to such representation: *And provided also*, That when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

SEC. 9. The Legislature shall at their first session, and at periods of not less than every four, nor more than every six years, until the year 1845; and thereafter, at periods of not less than every four, nor more than every eight years, cause an enumeration to be made, of all the free white inhabitants of this State; and the whole number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns entitled to separate representation, according to the number of free white inhabitants in each, and shall not be less than thirty-six nor more than one hundred: *Provided however*, That each county shall always be entitled to at least one Representative.

SEC. 10. The whole number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of free white inhabitants in each, and shall never be less than one-fourth, nor more than one-third, of the whole number of representatives.

SEC. 11. The Senators shall be chosen by the qualified electors, for four years, and on their being con-

vened in consequence of the first election, they shall be divided by lot from their respective districts into two classes, as nearly equal as can be. And the seats of the Senators of the first class shall be vacated at the expiration of the second year.

SEC. 12. Such mode of classifying new additional Senators shall be observed, as will as nearly as possible preserve an equality of numbers in each class.

SEC. 13. When a Senatorial district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a district.

SEC. 14. No person shall be a Senator unless he be a citizen of the United States, and shall have been an inhabitant of this State four years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

SEC. 15. The House of Representatives when assembled, shall choose a speaker and its other officers, and the Senate shall choose a president and its officers, and each house shall judge of the qualifications and elections of its own members, but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 16. Each house may determine the rules of its own proceedings, punish members for disorderly behaviour, and with the consent of two-thirds, expel a member; but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

SEC. 17. Each house shall keep a Journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall at the desire of any three members present, be entered on the Journal.

SEC. 18. When vacancies happen in either house, the governor, or the person exercising the powers of the governor, shall issue writs of election to fill such vacancies.

SEC. 19. Senators and Representatives shall in all

cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

SEC. 20. Each house may punish, by imprisonment, during the session, any person not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings. *Provided*, Such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 21. The doors of each house shall be open, except on such occasions of great emergency, as, in the opinion of the house, may require secrecy.

SEC. 22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 23. Bills may originate in either house, and be amended, altered or rejected by the other, but no bill shall have the force of a law, until on three several days, it be read in each house, and free discussion be allowed thereon, unless four-fifths of the house in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

SEC. 24. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 25. Each member of the Legislature shall receive from the public treasury, a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

SEC. 26. No Senator or Representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people, and no member of either house of the Legislature shall, after the commencement of the first session of the Legislature after his election,

and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the Legislature.

SEC. 27. No Judge of any Court of law or equity, Secretary of State, Attorney General, Clerk of any Court of Record, Sheriff or Collector, or any person holding a lucrative office under the United States or this State, shall be eligible to the Legislature: *Provided*, That offices in the militia, to which there is attached no annual salary, and the office of Justice of the Peace, shall not be deemed lucrative.

SEC. 28. No person who hath heretofore been, or hereafter may be, a collector or holder of public moneys, shall have a seat in either house of the Legislature, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

SEC. 29. The first election for Senators and Representatives shall be general throughout the State, and shall be held on the first Monday and day following in November, 1833; and thereafter there shall be biennial elections for Senators to fill the places of those whose term of service may have expired.

SEC. 30. The first and all future sessions of the Legislature shall be held in the town of Jackson, in the county of Hinds, until the year 1850. During the first session thereafter, the Legislature shall have power to designate by law the permanent Seat of Government: *Provided, however*, That unless such designation be then made by law, the Seat of Government shall continue permanently at the town of Jackson. The first session shall commence on the third Monday in November, in the year 1833. And in every two years thereafter, at such time as may be prescribed by law.

SEC. 31. The Governor, Secretary of State, Treasurer, Auditor of Public Accounts, and Attorney General, shall reside at the Seat of Government.

ARTICLE IV.

Judicial Department.

SEC. 1. The judicial power of this State shall be vested in one High Court of Errors and Appeals, and such other Courts of law and equity as are hereafter provided for in this Constitution.

SEC. 2. The High Court of Errors and Appeals shall consist of three Judges, any two of whom shall form a quorum. The Legislature shall divide the State into three districts, and the qualified electors of each district shall elect one of said Judges for the term of six years.

SEC. 3. The office of one of said Judges shall be vacated in two years, and of one in four years, and of one in six years, so that at the expiration of every two years, one of said Judges shall be elected as aforesaid.

SEC. 4. The High Court of Errors and Appeals shall have no jurisdiction, but such as properly belongs to a Court of Errors and Appeals.

SEC. 5. All vacancies that may occur in said Court, from death, resignation, or removal, shall be filled by election as aforesaid. *Provided, however*, That if the unexpired term do not exceed one year, the vacancy shall be filled by executive appointment.

SEC. 6. No person shall be eligible to the office of Judge of the High Court of Errors and Appeals, who shall not have attained, at the time of his election, the age of thirty years.

SEC. 7. The High Court of Errors and Appeals shall be held twice in each year, at such place as the Legislature shall direct, until the year eighteen hundred and thirty-six, and afterwards at the Seat of Government of the State.

SEC. 8. The Secretary of State, on receiving all the official returns of the first election, shall proceed, forthwith, in the presence and with the assistance of two Justices of the Peace, to determine by lot among the three candidates having the highest number of votes, which of said Judges elect shall serve for the term of two years, which shall serve for the term of four years, and which shall serve for the term of six years, and having so determined the same, it shall be the duty of the Governor to issue commissions accordingly.

SEC. 9. No Judge shall sit on the trial of any cause when the parties or either of them shall be connected with him by affinity or consanguinity, or when he may be interested in the same, except by consent of the Judge and the parties; and whenever a quorum of said Court are situated as aforesaid, the Governor of the State shall in such case specially commission two or more men of law knowledge for the determination thereof.

SEC. 10. The Judges of said Court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

SEC. 11. The Judges of the Circuit Court shall be elected by the qualified electors of each judicial district, and hold their offices for the term of four years, and reside in their respective districts.

SEC. 12. No person shall be eligible to the office of Judge of the Circuit Court, who shall not at the time of his election, have attained the age of twenty-six years.

SEC. 13. The State shall be divided into convenient districts, and each district shall contain not less than three, nor more than twelve counties.

SEC. 14. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only when the principal of the sum in controversy exceeds fifty dollars.

SEC. 15. A Circuit Court shall be held in each county of this State, at least twice in each year; and the Judges of said Courts shall interchange circuits with each other, in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

SEC. 16. A separate Superior Court of Chancery shall be established, with full jurisdiction in all matters of equity: *Provided, however,* The Legislature may give to the Circuit Courts of each county equity jurisdiction in all cases where the value of the thing, or amount in controversy, does not exceed five hundred dollars; also, in all cases of divorce, and for the foreclosure of mortgages. The Chancellor shall be elected by the qualified electors of the whole State, for the term of six years, and shall be at least thirty years old at the time of his election.

SEC. 17. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude "against the peace and dignity of the same."

SEC. 18. A Court of Probates shall be established in each county of this State, with jurisdiction in all matters testamentary and of administration in orphans' business and the allotment of dower, in cases of idiocy and lunacy, and of persons *non compos mentis.* The

Judge of said Court shall be elected by the qualified electors of the respective counties, for the term of two years.

SEC. 19. The Clerk of the High Court of Errors and Appeals shall be appointed by said court for the term of four years, and the Clerks of the Circuit, Probate and other inferior courts, shall be elected by the qualified electors of the respective counties, and shall hold their offices for the term of two years.

SEC. 20. The qualified electors of each county shall elect five persons for the term of two years, who shall constitute a board of police for each county, a majority of whom may transact business, which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county police; and shall order all county elections to fill vacancies that may occur in the offices of their respective counties: The Clerk of the Court of Probate shall be the Clerk of the Board of County Police.

SEC. 21. No person shall be eligible as a member of said board, who shall not have resided one year in the county; but this qualification shall not extend to such new counties as may hereafter be established until one year after their organization; and all vacancies that may occur in said board shall be supplied by election as aforesaid to fill the unexpired term.

SEC. 22. The Judges of all the Courts of this State, and also the members of the Board of County Police, shall, in virtue of their offices, be conservators of the peace, and shall be by law vested with ample powers in this respect.

SEC. 23. A competent number of Justices of the Peace and Constables shall be chosen in each county by the qualified electors thereof, by districts, who shall hold their offices for the term of two years: the jurisdiction of Justices of the Peace shall be limited to causes in which the principal of the amount in controversy shall not exceed fifty dollars: in all causes tried by a Justice of the Peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

SEC. 24. The Legislature may, from time to time, establish such other inferior courts as may be deemed necessary, and abolish the same whenever they shall deem it expedient.

SEC. 25. There shall be an Attorney General elected by the qualified electors of the State; and a competent number of District Attorneys shall be elected by the qualified voters of their respective districts; whose compensation and term of service shall be prescribed by law.

SEC. 26. The Legislature shall provide by law for determining contested elections of Judges of the High Court of Errors and Appeals, of the Circuit and Probate Courts, and other officers.

SEC. 27. The Judges of the several Courts of this State, for wilful neglect of duty or other reasonable cause, shall be removed by the Governor on the address of two-thirds of both Houses of the Legislature; the address to be by joint vote of both Houses. The cause or causes for which such removal shall be required, shall be stated at length in such address, and on the journals of each House. The Judge so intended to be removed, shall be notified and admitted to a hearing in his own defence before any vote for such address shall pass. The vote on such address shall be taken by yeas and nays, and entered on the Journals of each House.

SEC. 28. Judges of Probate, Clerks, Sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by a Petit Jury, and upon conviction shall be removed from office.

ARTICLE V.

Executive Department.

SEC. 1. The Chief Executive Power of this State shall be vested in a Governor, who shall hold his office for two years from the time of his installation.

SEC. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, at the next ensuing session of the Legislature, during the first week of which session the said Speaker shall open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but if two or more shall be equal and high-

est in votes, then one of them shall be chosen Governor by the joint ballot of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature, in such manner as shall be prescribed by law.

SEC. 3. The Governor shall be at least thirty years of age, shall have been a citizen of the United States for twenty years, shall have resided in this State at least five years next preceding the day of his election, and shall not be capable of holding the office more than four years in any term of six years.

SEC. 4. He shall at stated times receive for his services a compensation which shall not be increased or diminished during the term for which he shall be elected.

SEC. 5. He shall be Commander-in-Chief of the Army and Navy of this State, and of the Militia, except when they shall be called into the service of the United States.

SEC. 6. He may require information in writing, from the officers in the Executive Department, on any subject relating to the duties of their respective offices.

SEC. 7. He may, in cases of emergency, convene the Legislature at the Seat of Government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy or from disease; and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

SEC. 8. He shall, from time to time, give to the Legislature, information of the state of the Government, and recommend to their consideration such measures as he may deem necessary and expedient.

SEC. 9. He shall take care that the laws be faithfully executed.

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture, to stay the collection until the end of the next session of the Legislature, and to remit forfeitures by and with the advice and consent of the Senate. In cases of treason he shall have power to grant reprieves by and with the advice and consent of the Senate, but may respite the sentence until the end of the next session of the Legislature.

SEC. 11. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the Great Seal, and signed by the Governor, and be attested by the Secretary of State.

SEC. 12. There shall be a Seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Mississippi.

SEC. 13. All vacancies not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe.

SEC. 14. The Secretary of State shall be elected by the qualified electors of the State and shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature, and shall perform such other duties as may be required of him by law.

SEC. 15. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor; if he approve he shall sign it, but if not he shall return it, with his objections, to the House in which it shall have originated, which shall enter the objections at large upon their journals, and proceed to re-consider it; if after such re-consideration, two-thirds of the House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be re-considered; if approved by two-thirds of that House, it shall become a law: but in such case, the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journals of each House respectively: if any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature by their adjournment prevent its return, in which case it shall not become a law.

SEC. 16. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary, except resolutions, for the purpose of obtaining the joint action of both Houses, and on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disap-

proved, shall be re-passed by both Houses according to the rules and limitations prescribed in the case of a bill.

SEC. 17. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office of Governor until another Governor shall be duly qualified; and in case of the death, resignation, removal from office or other disqualification of the President of the Senate so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office, until the President of the Senate shall have been chosen; and when the office of Governor, President of the Senate, and Speaker of the House shall become vacant in the recess of the Senate, the person acting as Secretary of State for the time being, shall by proclamation convene the Senate, that a President may be chosen to exercise the office of Governor.

SEC. 18. When either the President or Speaker of the House of Representatives shall so exercise said office, he shall receive the compensation of Governor only, and his duties as President or Speaker shall be suspended, and the Senate or House of Representatives, as the case may be, shall fill the vacancy until his duties as Governor shall cease.

SEC. 19. A Sheriff and one or more Coroners, a Treasurer, Surveyor and Ranger shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed; except that the Coroner shall hold his office until his successor be duly qualified.

SEC. 20. A State Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of two years, unless sooner removed.

Militia.

SEC. 1. The Legislature shall provide by law, for organizing and disciplining the militia of this State, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States, in relation thereto.

SEC. 2. Commissioned officers of the militia (staff officers and the officers of volunteer companies excepted) shall be elected by the persons liable to perform military

duty, and the qualified electors within their respective commands, and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, and repel invasion.

ARTICLE VI.

Impeachments.

SEC. 1. The House of Representatives shall have the sole power of impeaching.

SEC. 2. All impeachments shall be tried by the Senate: When sitting for that purpose, the Senators shall be on oath or affirmation: No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor, and all civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under the State; but the party convicted shall nevertheless, be liable and subject to indictment, trial and punishment, according to law, as in other cases.

ARTICLE VII.

General Provisions.

SEC. 1. Members of the Legislature, and all officers, Executive and Judicial, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, to wit: "I solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Mississippi, so long as I continue a citizen thereof, and that I will faithfully discharge to the best of my abilities, the duties of the office of ——— accordin law. So help me God."

SEC. 2. The Legislature shall pass such laws to prevent the evil practice of duelling as they may deem necessary, and may require all officers before they enter on the duties of their respective offices, to take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I have not been engaged in a duel, by sending or accepting a challenge to fight

a duel, or by fighting a duel, since the first day of January, in the year of our Lord one thousand eight hundred and thirty-three, nor will I be so engaged during my continuance in office. So help me God."

SEC. 3. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid, and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 4. Every person shall be disqualified from holding an office or place of honour or profit under the authority of this State, who shall be convicted of having given or offered any bribe, to procure his election. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanours. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, or other improper conduct.

SEC. 5. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

SEC. 6. No law of a general nature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

SEC. 7. No money shall be drawn from the Treasury but in consequence of an appropriation made by law; nor shall any appropriation of money for the support of an army be made for a longer term than one year.

SEC. 8. No money from the Treasury shall be appropriated to objects of internal improvement, unless a bill for that purpose be approved by two-thirds of both branches of the Legislature; and a regular statement and account of the receipts and expenditures of public moneys shall be published annually.

SEC. 9. No law shall ever be passed to raise a loan of money upon the credit of the State, or to pledge the faith of the State for the payment or redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each House, and entered on their Journals with the yeas and nays taken thereon,

and be referred to the next succeeding Legislature, and published for three months previous to the next regular election, in three newspapers of this State; and unless a majority of each branch of the Legislature so elected, after such publication, shall agree to, and pass such law; and in such case the yeas and nays shall be taken, and entered on the Journals of each House: *Provided*, That nothing in this section shall be so construed as to prevent the Legislature from negotiating a further loan of one and a half million of dollars, and vesting the same in stock reserved to the State by the charter of the Planters' Bank of the State of Mississippi.

SEC. 10. The Legislature shall direct by law, in what manner and in what courts, suits may be brought against the State.

SEC. 11. Absence on business of this State, or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of citizenship or residence once obtained.

SEC. 12. It shall be the duty of the Legislature to regulate by law, the cases in which deductions shall be made from salaries of public officers for neglect of duty in their official capacity, and the amount of such deduction.

SEC. 13. No member of Congress, nor any person holding any office of profit or trust under the United States, (the office of Post Master excepted,) or any other State of the Union, or under any foreign power, shall hold or exercise any office of trust or profit under this State.

SEC. 14. Religion, morality, and knowledge, being necessary to good government, the preservation of liberty, and the happiness of mankind, schools, and the means of education, shall forever be encouraged in this State.

SEC. 15. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law, by suit in Chancery.

SEC. 16. Returns of all elections by the people shall be made to the Secretary of State, in such manner as may be prescribed by law.

SEC. 17. No new county shall be established by the Legislature, which shall reduce the county or counties, or either of them, from which it may be taken, to less

contents than five hundred and seventy-six square miles, nor shall any new county be laid off of less contents.

SEC. 18. The Legislature shall have power to admit to all the rights and privileges of free white citizens of this State, all such persons of the Choctaw and Chickasaw tribes of Indians, as shall choose to remain in this State, upon such terms as the Legislature may from time to time deem proper.

SLAVES.

SEC. 1. The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, unless where the slave shall have rendered to the state some distinguished service, in which case the owner shall be paid a full equivalent for the slave so emancipated. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state: *Provided*, That such person or slave be the *bona fide* property of such emigrants: *And provided, also*, That laws may be passed to prohibit the introduction into this state, of slaves who may have committed high crimes in other states. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

SEC. 2. The introduction of slaves into this State as merchandise or for sale, shall be prohibited from and after the first day of May, eighteen hundred and thirty-three: *Provided*, That the actual settler or settlers shall not be prohibited from purchasing slaves in any State in this Union, and bringing them into this State for their own individual use, until the year eighteen hundred and forty-five.

SEC. 3. In the prosecution of slaves for crimes of

which the punishment is not capital, no inquest by a grand jury shall be necessary: but the proceedings in such cases shall be regulated by law.

MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the Legislature shall deem any change, alteration or amendment necessary to this Constitution, such proposed change, alteration or amendment shall be read and passed by a majority of two-thirds of each House respectively on each day, for three several days: public notice thereof shall then be given by the Secretary of State at least six months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if it shall appear that a majority of the qualified electors voting for members of the Legislature, shall have voted for the proposed change, alteration or amendment, then it shall be inserted by the next succeeding Legislature, as a part of this Constitution, and not otherwise.

SCHEDULE.

SEC. 1. All rights vested, and all liabilities incurred, shall remain the same as if this Constitution had not been adopted.

SEC. 2. All suits at law or in equity, now pending in the several Courts of this State, may be transferred to such Court as may have proper jurisdiction thereof.

SEC. 3. The Governor, and all officers, civil and military, now holding commissions under the authority of this State, shall continue to hold and exercise their respective offices until they shall be superseded pursuant to the provisions of this Constitution, and until their successors be duly qualified.

SEC. 4. All laws now in force in this State, not repugnant to this Constitution, shall continue to operate until they shall expire by their own limitation, or be altered or repealed by the Legislature.

SEC. 5. Immediately upon the adoption of this Constitution, the President of this Convention shall issue writs of election directed to the Sheriffs of the several counties, requiring them to cause an election to be held on the first Monday and day following in December next, for members of the Legislature, at the respec-

tive places of holding elections in said counties, which elections shall be conducted in the manner prescribed by the existing election laws of this State: and the members of the Legislature thus elected, shall continue in office until the next general election, and shall convene at the seat of government on the first Monday in January, eighteen hundred and thirty-three; and shall, at their first session, order an election to be held in every county of this State, on the first Monday in May and day following, eighteen hundred and thirty-three, for all State and County officers under this Constitution (members of the Legislature excepted), and the officers then elected shall continue in office until the succeeding general election and after, in the same manner as if the election had taken place at the time last aforesaid.

SEC. 6. Until the first ennumeration shall be made, as directed by this Constitution, the apportionment of Senators and Representatives among the several districts and counties in this State, shall remain as at present fixed by law.

P. RUTILIUS R. PRAY,
President of the Convention, and Representative from the County of Hancock.

Attest:—JOHN H. MALLORY, *Secretary.*